



# UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER FOR PATENTS  
P.O. Box 1450  
Alexandria, Virginia 22313-1450  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/841,421	04/24/2001	Michael Scholefield	2764/1	5455

7590 11/05/2003

Jeffrey J. Schwartz  
Adams, Schwartz & Evans, P.A.  
2180 Two First Union Center  
Charlotte, NC 28282

EXAMINER

ANDERSON, GERALD A

ART UNIT	PAPER NUMBER
----------	--------------

3637

DATE MAILED: 11/05/2003

Please find below and/or attached an Office communication concerning this application or proceeding.

# Office Action Summary

Application No.

09/841,421

Applicant(s)

E. SCHOLEFIELD

Examiner

JERRY A ANDERSON

Art Unit

3637

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

## Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

## Status

- 1) ☒ Responsive to communication(s) filed on 28 July 2003.
- 2a) ☒ This action is FINAL. 2b) ☐ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

## Disposition of Claims

- 4) ☒ Claim(s) 17-25 and 27 is/are pending in the application.
- 4a) Of the above claim(s) 26 is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 17-25 and 27 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

## Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on \_\_\_\_\_ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

## Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

## Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892)
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_
- 4) ☐ Interview Summary (PTO-413) Paper No(s) \_\_\_\_\_
- 5) ☐ Notice of Informal Patent Application (PTO-152)
- 6) ☐ Other: \_\_\_\_\_

## **DETAILED ACTION**

### ***Response to Arguments***

Applicant's arguments filed July 28, 2003 have been fully considered but they are not persuasive. The applicant argues that the references, particularly Kindell, do not disclose a digital lock with a single use code that is "automatically deleted upon closing the outer door as is recited in claim 27". The Examiner disagrees because what claim 27 recites is a "system being also adapted, when said door is then closed, to lock automatically and to cancel the code used for opening the outer door after every use". Ask yourself this question: when the door of Kindell is closed, after every use, is the door automatically locked and has the code been canceled? The Examiner considers the answer to this question to be: Yes. Therefore the references as combined in the rejection meet the claims. The claim language is very vague. Particularly regarding when these things, closing, locking and canceling, occur. If the claims positively defined - - a mechanism, such as a switch, that is engaged when the door is in the fully closed position and every time the mechanism is engaged a signal is sent to a controller of the locking system causing canceling of the code - - then the applicant's argument would have merit. Additionally it is noted that it makes no difference when the code is canceled because unless the door is properly closed and locked canceling the code produces no result in and of itself.

### ***Rejections - 35 USC § 103***

The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

The factual inquiries set forth in *Graham v. John Deere Co.*, 383 U.S. 1, 148 USPQ 459 (1966), that are applied for establishing a background for determining obviousness under 35 U.S.C. 103(a) are summarized as follows:

1. Determining the scope and contents of the prior art.
2. Ascertaining the differences between the prior art and the claims at issue.
3. Resolving the level of ordinary skill in the pertinent art.
4. Considering objective evidence present in the application indicating obviousness or nonobviousness.

Claims 27, 18, 22, 23, 24, 25 as presented, are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillard in view of Kindell. Gillard is cited showing a delivery box 1, in a wall 4 of a building, having a flush outer door 10 and inner door 8 and a locking mechanism 12, 14 controlled by a computer in the building, page 3, lines 1, 2. Gillard suggests that for security reasons access codes may be regularly altered, page 3, lines 3 and 4. Gillard fails to disclose a single-use access code that is automatically canceled after the outer door is opened or refrigeration for the box. Kindell is cited disclosing a computerized delivery acceptance system wherein the access code is deleted after the outer door is opened by an authorized deliverer, column 5 lines 51-57 and disclosing that the box can be provided with refrigeration. Since the references are from the same field of endeavor the purpose of Kindell would have been obvious in the pertinent art of Gillard at the time of the invention it would have been obvious for one

having an ordinary skill in the art to have modified Gillard with a computerized delivery acceptance system wherein the access code is deleted after the outer door is opened by an authorized deliverer and with refrigeration in view of Kindell.

Claims 17 and 19-21 are rejected under 35 U.S.C. 103(a) as being unpatentable over Gillard in view of Kindell as cited above and further in view of Plunkett et al and Evers. Gillard fails to show projections on the box, a mail flap and receptacle. Plunkett is cited showing a delivery box with projections 6, 7 provided to attach the box to a wall. Evers is cited showing a mail flap and receptacle or drawer in a door so you don't have to open the door to deliver the mail. Since the references are from the same field of endeavor the purpose of Evers would have been obvious in the pertinent art of Gillard at the time of the invention it would have been obvious for one having an ordinary skill in the art to have modified Gillard with projections 6, 7 provided to attach the box to a wall in view of Plunkett and with a mail flap and receptacle in a door so you don't have to open the door to deliver the mail in view of Evers.

**THIS ACTION IS MADE FINAL.** Applicant is reminded of the extension of time policy as set forth in 37 CFR 1.136(a).

A shortened statutory period for reply to this final action is set to expire **THREE MONTHS** from the mailing date of this action. In the event a first reply is filed within **TWO MONTHS** of the mailing date of this final action and the advisory action is not mailed until after the end of the **THREE-MONTH** shortened statutory period, then the shortened statutory period will expire on the date the advisory action is mailed, and any extension fee pursuant to 37 CFR 1.136(a) will be calculated from the mailing date of

the advisory action. In no event, however, will the statutory period for reply expire later than SIX MONTHS from the mailing date of this final action.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Jerry Anderson whose telephone number is 703 038 2202. The examiner can normally be reached on Monday-Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Lanna Mai can be reached on 703 308 24668. The fax phone numbers for the organization where this application or proceeding is assigned are 703 305 3597 for regular communications and 703 306 4195 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is 703 308 2197.

Jaa  
November 1, 2003

LANNA MAI  
SUPERVISORY PATENT EXAMINER  
TECHNOLOGY CENTER 3600

